IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31191 of 2006(L)

EA.99/04 EP.42/92 IN OS.220/1989 of PRINCIPAL SUB COURT,KOCHI

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PETITIONER:

JAI TRADING CO.,
BAZAAR ROAD, KOCHI-2, REPRESENTED BY ITS PARTNER,
K.I. EASHAI.

BY ADV. SRI.C.SANKUNNY

RESPONDENTS:

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1. ALLAHABAD BANK,
MATTANCHERRY BRANCH, KOCHI-2.

2. SYNDICATE BANK,
MATTANCHERRY BRANCH, KOCHI-2.

BY ADV. SRI.P.JACOB VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J

W.P(C).No.31191 OF 2006

Dated this the 24th day of November, 2006

JUDGMENT

Heard counsel for the petitioner and Adv.Sri.Jacob Varghese for the first respondent.

2. The petitioner filed an application under Section 145 of the Civil Procedure Code for enforcement on liability of surety. The court below passed Ext.P2 order. The first respondent Bank applied for review of that order. The review application was allowed as per the impugned order. Obviously therefore, it is an order allowing a review petition and is, therefore, an order in terms of Order 47 Rule 4 (2) of the C.P.Code. The order allowing a review is an appealable order under Order 43 Rule 1 (w). With such a statutory remedy by way of an appeal being available, I am not inclined to entertain this writ petition under Article 227 of the Constitution of India.

The writ petition is hence dismissed without prejudice to contentions on merits.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.